

Appl. No. : 10/789,357
Filed : February 27, 2004

REMARKS

Please reconsider the above-captioned application in light of the above amendments and the following remarks.

Amendment Replaces Previous Amendment Filed by Applicants

On August 12, 2005, Applicants filed an Amendment in the above-identified application. The currently-outstanding Office Action was mailed on August 25, 2005 and, from the content of the Office Action, it is obvious that the Examiner had not received the Amendment that had just been filed. In order to preserve continuity in tying this Amendment to a specific Office Action, and as discussed briefly by telephone with the Examiner on February 27, 2005, Applicants respectfully request that the Examiner NOT ENTER the Amendment filed August 12, 2005, and instead enter this paper. Notably, much of the content of this Amendment is identical or at least similar to that of the Amendment filed on August 12, 2005.

Amendments to Specification Resolve Examiner's Objections

The Examiner objected to the specification because of typographical informalities. Applicants have amended the specification to address these informalities in the manner suggested by the Examiner. No new matter has been added.

Replacement Drawing Sheet Resolves Examiner's Objection

The Examiner objected to the drawings because of an incorrect reference number label in Figure 16. A replacement drawing sheet is submitted herewith in which the reference number has been corrected in the manner requested by the Examiner. No new matter has been added, and the Examiner's objection is resolved.

Objected-to But Allowable Claims Have Been Rewritten Into Independent Form

The Examiner objected to Claims 3, 4, 10, 11, 21, 22, 28-36, 46, 47 and 51, but indicated that each of these claims would be allowable if rewritten into independent form.

Applicants have incorporated the limitations of Claim 3 into independent Claim 2; thus, Claim 2 is, effectively, a rewritten, independent form of Claim 3. Claim 2 has also been further amended to replace the requirement for a "plurality of LEDs" to "a LED". Applicants contend this further amendment does not affect the patentability of the claim.

Applicants have incorporated the limitations of Claim 28 into independent Claim 23; thus, Claim 23 is, effectively, a rewritten, independent form of Claim 28. Claim 23 has also been

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further amended to replace the requirement for “at least two LEDs” to “a LED”. Applicants contend this further amendment does not affect the patentability of the claim.

Applicants have rewritten Claim 34 into independent form. Claim 34 has also been further amended to replace the requirement for “at least two LEDs” to “a LED”. Applicants contend this further amendment does not affect the patentability of the claim.

Applicants have rewritten Claim 46 into independent form as suggested by the Examiner.

Applicants have rewritten Claim 51 into independent form as new Claim 101.

As indicated by the Examiner, each of these newly-independent claims recites allowable subject matter. The claims that depend from these currently-allowable claims recite further patentable subject matter. All of these claims are currently in condition for allowance.

Applicants Have Cancelled Unexamined Claims

Applicants filed a Preliminary Amendment on April 20, 2005, which was after the mailing date of the present Office Action, but before Applicants became aware of the Office Action. The Preliminary Amendment added new claims 48-65. By this Amendment, Applicants have cancelled Claims 48-65 without prejudice, but retain the right to further prosecute subject matter related to these claims in the future.

Response to Claim Rejections

The Examiner rejected several of the claims under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,249,267 to Ishihara and/or U.S. Patent No. 6,045,240 to Hochstein. Additionally, some claims were also rejected under 35 U.S.C. § 103(a) as unpatentable over Ishihara. However, the Examiner also identified several dependent claims that recite patentable subject matter, and which would be allowable if rewritten into independent form.

In order to speed prosecution, Applicants have amended several of the objected-to claims so as to place them in condition for allowance, as discussed above. Other amendments have been made, such as amendments to change dependency, so that all of the dependent claims depend from allowable claims. Still further dependent claims have been amended to clarify the claim language and/or recite further subject matter that defines over the prior art. Applicants reserve the right to argue in the future for the allowability of the subject matter recited in the rejected claims that are being amended in favor of the objected-to but allowable claims.

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Claim 39 has been amended (not in connection with an objected-to but allowable claim), and currently defines over the cited references.

Hochstein discloses a traffic signal LED lamp assembly. The LED lamp includes a heat sink or base 36. A tubular shell 38 contacts the base 36 only around its edges, and extends forwardly therefrom. As shown in Figure 2, a plastic cover 42 surrounds the base 36 and insulating material 44 is disposed between the base 36 and the cover 42 to limit heat transfer between the base 36 and cover 42. In another embodiment shown in Figures 3-4, a base 36(a) has fins, and only edges of the base 36(a) appear to be attached to a cover or casing.

Ishihara discloses a printed board 1 that includes LEDs 2 and control components 3 mounted on opposite faces of a substrate 11. A separately-formed fixture 4 attaches to at least portions of the periphery of one face of the substrate 11, and also connects via screws 6 to a housing 5. The components 3 and substrate 11 are spaced from the housing 5 by the fixture 4.

Neither Hochstein nor Ishihara teach or suggest all of the limitations of amended Claim 39. Claim 39 recites an illumination apparatus, comprising, *inter alia*, electrically-conductive contacts thermally communicating with a dielectric portion through a first thermal communication area between the contacts and a first side of the dielectric portion, wherein a second side of the dielectric portion is arranged on the first side of a heat conductive body so that the first side of the body is in thermal communication with the contacts through the dielectric portion, the first side of the body having a surface area larger than the thermal communication area, the second side of the body having a surface generally complementary to a heat conducting surface, and the second side of the body thermally communicates with the heat conducting surface through a second thermal communication area between the body and the heat conducting surface, wherein the second thermal communication area has a greater area than the first thermal communication area. Neither Hochstein nor Ishihara teaches or suggests at least these limitations of Claim 39. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of this claim and the claims that depend therefrom.

Allowable Claims Are Allowable Based On Consideration Of The Claim As A Whole

As discussed above, the Examiner indicated several claims were allowable. The Examiner further included a statement of reasons for the indication of allowable subject matter. In response to the statement, Applicants wish to clarify that each of the allowable claims is

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allowable in consideration of all of the claim limitations as a whole. Thus, all of the limitations of each allowable claim considered as a whole, and not any specific limitation or group of limitations, make such claims allowable.

New Claims Recite Patentable Subject Matter

New Claims 66-100 have been added to more fully recite the subject matter Applicants consider to be the invention. New Claims 66-68 and 108 depend from allowable independent Claim 2; new Claims 69-70 and 109 depend from allowable independent Claim 23; and new Claims 71-72 depend from allowable independent Claim 34. New Claim 73 is an independent claim from which Claims 74-90 depend. New Claim 91 is an independent claim from which Claims 92-100 depend. New Claim 101 is an independent claim from which Claims 102-107 depend. All of these claims are currently in condition for allowance.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.


Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

2/27/06

By: _____


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